S.B.Cr.Misc. IIIrd Bail Appl. No.3058/2006
(Dayanand vs. State of Rajasthan)

Date of order : 20.7.2006

HON'BLE MR.H.R.PANWAR,J.

Mr.R.K.Charan, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the parties.

This is third bail application. The second bail application came to be dismissed as it was not pressed by learned counsel for the petitioner and after dismissal of the second bail application, some of the prosecution witnesses have been examined. However, learned counsel submits that despite a direction of this Court to expedite the trial, the trial court could not expedite the trial as on certain occasions, there was no presiding officer in the trial court and on certain occasions, the matter was adjourned only on the ground that he was busy in some other case. The petitioner is in custody for more than ten months. Learned counsel further submits that there is a cross-case against the complainant, wherein apart from other accused-persons, petitioner Dayanand has also suffered three injuries, one of which is on occipital region of the skull.

Having regard to the fact and circumstances of the case and keeping in view the fact that there is a cross-case against

the complainant, wherein apart from other injuries, the petitioner suffered a head injury and the fact that the trial is likely to take a long time in view of the order-sheet of the trial court shown by learned counsel for the petitioner, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and petitioner Dayanand s/o Ghasi be released on bail in FIR No.188/2005, P.S. Rawatbhata, Distt. Chittorgarh provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

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